



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
EXECUTIVE COMMITTEE MEETING
Meeting on April 6, 2021**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 9:08 a.m., via WebEx Telephonic Conferencing per Executive Order No. 16 which permits an electronic meeting without a physical quorum in order to accomplish necessary business for the public health and safety of Tennesseans.

Executive Committee Members Present:

Wayne Hastings, Vice Chairman
Eddie Hood
Bobby Pitts

TPUC Staff Present:

Aaron Conklin, Legal Advisor to the TPUC staff
Ryan McGehee, Legal Advisor to the TUUDEB
Slayde Warren
Monique Brazelton
Tracy Stinson

Also Present:

Bill Turner
Craig Ingram

Roll Call & Minutes:

Roll call confirmed Vice Chairman Wayne Hastings, Mr. Eddie Hood, and Mr. Bobby Pitts as present. The Committee considered the Minutes of the meeting of March 10, 2021. A motion to approve the Minutes by Mr. Pitts was seconded by Mr. Hood and approved unanimously. Three members voting on this motion, the motion carries 3-0.

Presentation of Investigation of Complaints:

The Committee heard and ruled on the following complaints:

EB21-0010-

Alleged Violator: Robert Fleek
Alleged Excavator: Robert Fleek
Complainant: Enbridge, Inc.
Facility Type: Gas
Equipment: Unknown
Root Cause: No notification made to Tennessee 811
Finding: No violation

EB21-0011-

Alleged Violator: Mills Electric
Alleged Excavator: James Milsaps
Complainant: Enbridge, Inc.
Facility Type: Gas
Equipment: Unknown
Root Cause: Excavating beyond 15-day expiration
Finding: In violation for excavating beyond 15-day expiration and James Milsaps ordered to attend compliance training.

EB21-0013-

Alleged Violator: BushCore Incorporated
Alleged Excavator: Zach Covington
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Trackhoe
Root Cause: Failure to use reasonable care within the tolerance zone
Finding: No violation

EB21-0014-

Alleged Violator: Comcast
Alleged Excavator: Unknown
Complainant: Outdoor Pet Solutions
Facility Type: Telecom
Equipment: Unknown
Root Cause: Facility not marked or located
Finding: In violation for not marking or locating facility and Comcast Communications official ordered to attend compliance training.

EB21-0023-

Alleged Violator: Junior Woods
Alleged Excavator: Junior Woods
Complainant: Property Owner
Facility Type: Sewer
Equipment: Tractor
Root Cause: No notification made to Tennessee 811
Finding: No violation

EB21-0009, EB21-0019, EB21-0020, EB21-0021, and EB21-0022-

Alleged Violator: First Violation

Root Cause: Failure to notify Tennessee 811

Finding: In violation for failure to give notice prior to excavation.

Update of Training Program by Tennessee 811 and Legislative Update

Mr. Ingram reported that there were no cancellations for the most recent training class which five individuals completed.

Proposed Cancellation Fee for Compliance Training Program

The proposed compliance training cancellation fee policy (description attached) proposed by Tennessee 811 was discussed and Mr. Turner and Mr. Ingram fielded questions regarding the need for the policy and cost-basis. A motion to approve the cancellation fee proposal by Mr. Pitts was seconded by Mr. Hood and was approved unanimously.

Discussion of future topics for next executive committee meeting.

Future discussion topics include the potential number of complaints and dates for the upcoming meeting and the election for the expiring terms to take place during the August 11, 2021 meeting of the full Tennessee Underground Damage Enforcement Board.

The Executive Committee meeting adjourned at 9:57 a.m.